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9 **Attorney for Plaintiff, C.S.**

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 C.S., by and through his Conservator,
13 MARY STRUBLE, on behalf of himself
14 and all others similarly situated,

15 **Plaintiff,**

16 **v.**

17 **CALIFORNIA DEPARTMENT OF**
18 **EDUCATION, a State Agency, et al.**
19 **Defendant.**

CASE NO.: 08 CV 0226 W (AJB)

**PLAINTIFF'S REQUEST FOR
EXTENSION OF TIME TO FILE
JOINT MOTION UPON
STIPULATION FOR DISMISSAL**

**Case Management Conference Date:
July 14, 2008
Time: 11:00 a.m.
Magistrate Judge: Hon. Anthony J.
Battaglia**

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21 Plaintiff filed this action on behalf of a class of disabled students and their
22 parents on February 5, 2008 for Permanent Injunction and Temporary Restraining
23 Order pursuant to FRCP Rule 65 enjoining CDE from "renewing or otherwise
24 awarding the Interagency Agreement effective July 1, 2008 to OAH."

25 On June 13, 2008, counsel for all parties herein participated in a Rule 26 (f)
26 Conference. On that date, it was disclosed that the Interagency Agreement
27 scheduled to go into effect on July 1, 2008 was in the process of being executed
28 by CDE and OAH.

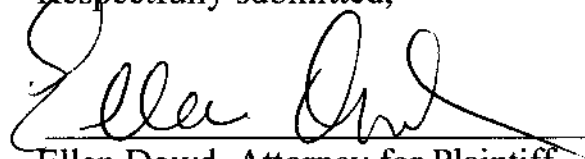
1 Counsel for the parties discussed options of Plaintiff requesting leave to
2 amend the Class Action Complaint, or dismissal of the Class Action Complaint due
3 to mootness. Counsel agreed to execute a Joint Motion Upon Stipulation For
4 Dismissal With Prejudice of the Complaint For Permanent Injunction upon the
5 signing and approval of the Interagency Agreement.

6 On July 27, 2008 counsel for the parties learned that the Interagency
7 Agreement has been signed by CDE and OAH, and had been approved by the
8 Department of General Services. Plaintiff can no longer obtain the relief
9 requested, as this relief is moot.

10 Therefore, Plaintiff respectfully requests that in lieu of the initial disclosure
11 pursuant to Rule 26(a)(1)(A)-(D), which is due on June 30, 2008, the parties be
12 allowed to file the Joint Motion Upon Stipulation For Dismissal With Prejudice Of
13 Complaint For Permanent Injunction on or by the extended date of July 7, 2008.

14 Dated: June 27, 2008

15 Respectfully submitted,

16 
17 Ellen Dowd, Attorney for Plaintiff,
18 C.S.